

However, the nature of the Missotten and Behnke sensors, and the motivation for their placement, are distinctly different.

The Behnke sensor is for detecting structure-borne noise caused by the throughput of harvested crop. The examiner concedes that Behnke et al fails to show that the sensor is arranged outside the flow of harvested crop material. Locating a sensor outside of the flow of harvested crop material has the advantage that it does not present an additional obstacle to the flow of crop material. Clearly, Behnke et al appreciated this problem because he kept his sensor slim, but he did not come to the non-obvious solution of moving the sensor outside of the flow of harvested crop material.

The Missotten sensor is for directly sensing driveline load to determine harvested crop throughput, not for detecting acoustical or structure-borne noise as in Behnke et al. Driveline load is measured directly by the Missotten sensor from the driveline at some point between the power source and the driven member, such as a conveyor. Therefore placement of the load sensor in Missotten et al is motivated by the location of the driveline to the conveyor, and not the flow of harvested crop material. Whether the Missotten sensor is located in the crop material flow or not is irrelevant to the function of the load sensor.

Thus, combining the Missotten load sensor and its location in the conveyor driveline with Behnke et al fails to teach the claimed invention, as nature of the Missotten and Behnke sensors, and the motivation for their placement, are distinctly different. Further, Missotten et al fails to teach any motivation for placing the Behnke sensor for sensing acoustical or structural vibration outside of the harvested material flow. Therefore, the examiner's position relies on hindsight from the present patent application to overcome this problem and further buttresses the argument that the presently claimed invention is non-obvious.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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